

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ROGER LEE DEAL, SR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:13-CV-552
	)	
SARGENT O'NEILL, et al.,	)	
	)	
Defendants.	)	

**ORDER AND JUDGMENT**

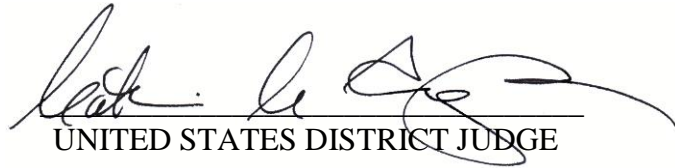
On November 12, 2013, the United States Magistrate Judge's Recommendation was filed and notice was served on the plaintiff pursuant to 28 U.S.C. § 636. Thereafter, plaintiff filed two motions [Docs. #16, #17], and several letters [Docs. #8, #10, #15, #20], which the Court will treat as objections to the Recommendation. Plaintiff has also filed a Motion for Default Judgment [Docs. #19, #21] and a Motion for Summary Judgment [Doc. #24]. The Court has reviewed plaintiff's objections *de novo* and finds they do not overcome the problems with his complaint identified by the United States Magistrate Judge in the Recommendation. The Recommendation [Doc. #5], is affirmed and adopted in full.

To the extent plaintiff may be raising new contentions regarding an alleged failure to provide medical treatment, those claims appear to be the subject of another pending suit (1:13CV1033), and the dismissal of the present case is without prejudice to plaintiff pursuing his claims in that case or filing a new complaint, filed on the proper forms, with a sufficient showing as set out in the Recommendation.

IT IS THEREFORE ORDERED that Plaintiff's Motions [Docs. #16, #17, #19, #21, #24] are DENIED.

IT IS FURTHER ORDERED and ADJUDGED that this action is dismissed *sua sponte* without prejudice to plaintiff filing a new complaint, on the proper § 1983 forms, and accompanied by the \$400.00 filing fee.

This the 16th day of April, 2014.



UNITED STATES DISTRICT JUDGE